



House of Representatives

General Assembly

File No. 186

February Session, 2016

Substitute House Bill No. 5359

House of Representatives, March 24, 2016

The Committee on Veterans' Affairs reported through REP. HENNESSY of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATE MILITARY CONSTRUCTION PROJECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-51 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Administrative Services shall have charge
4 and supervision of the remodeling, alteration, repair or enlargement of
5 any real asset, except any dam, flood or erosion control system,
6 highway, bridge or any mass transit, marine or aviation transportation
7 facility, a facility of the Connecticut Marketing Authority, an asset of
8 the Department of Agriculture program established pursuant to
9 section 26-237a, or any building under the supervision and control of
10 the Joint Committee on Legislative Management, involving an
11 expenditure in excess of five hundred thousand dollars, and except
12 that (1) the Judicial Branch may have charge and supervision of the
13 remodeling, alteration, repair, construction or enlargement of any real
14 asset involving an expenditure of not more than one million two

15 hundred fifty thousand dollars, (2) each constituent unit of the state
16 system of higher education may have charge and supervision of the
17 remodeling, alteration, repair, construction or enlargement of any real
18 asset involving an expenditure of not more than two million dollars,
19 [and] (3) The University of Connecticut shall have charge and
20 supervision of the remodeling, alteration, repair, construction, or
21 enlargement of any project, as defined in subdivision (16) of section
22 10a-109c, notwithstanding the amount of the expenditure involved,
23 and (4) the Military Department may have charge and supervision of
24 the remodeling, alteration, repair, construction or enlargement of any
25 real asset involving an expenditure of not more than two million
26 dollars. In any decision to remodel, alter, repair or enlarge any real
27 asset, the commissioner shall consider the capability of the real asset to
28 facilitate recycling programs.

29 (b) No officer, department, institution, board, commission or council
30 of the state government, except the Commissioner of Administrative
31 Services, the Commissioner of Transportation, the Connecticut
32 Marketing Authority, the Department of Agriculture for purposes of
33 the program established pursuant to section 26-237a, the Joint
34 Committee on Legislative Management, the Judicial Branch, [or] a
35 constituent unit of the state system of higher education or the Military
36 Department as authorized in subsection (a) of this section, shall, unless
37 otherwise specifically authorized by law, make or contract for the
38 making of any alteration, repair or addition to any real asset involving
39 an expenditure of more than five hundred thousand dollars.

40 (c) The plans necessary for any such remodeling, alteration, repair
41 or enlargement of any state humane institution, as defined in section
42 17b-222, shall be subject to the approval of the administrative head of
43 such humane institution.

44 (d) (1) Notwithstanding any provision of the general statutes, the
45 Commissioner of Administrative Services may select consultants to be
46 on a list established for the purpose of providing any consultant
47 services. Such list shall be established as provided in sections 4b-56

48 and 4b-57. The commissioner may enter into a contract with any
49 consultant on such list to perform a range of consultant services or to
50 perform a range of tasks pursuant to a task letter detailing services to
51 be performed under such contract.

52 (2) Notwithstanding any provision of the general statutes, the
53 Commissioner of Administrative Services or the Adjutant General may
54 (A) compile a list of architects, professional engineers and construction
55 administrators for the limited purpose of providing consultant services
56 for a particular program involving various projects for the construction
57 of new buildings or renovations to existing buildings where such
58 buildings are under the operation and control of either the Military
59 Department or the Department of Energy and Environmental
60 Protection, and (B) enter into a contract with any architect, professional
61 engineer or construction administrator on such list for such limited
62 purpose.

63 (3) As used in this subsection, "consultant" means "consultant" as
64 defined in section 4b-55, "consultant services" means "consultant
65 services" as defined in section 4b-55, and "program" means multiple
66 projects involving the planning, design, construction, repair,
67 improvement or expansion of specified buildings, facilities or site
68 improvements, wherein the work (A) will be of a repetitive nature, (B)
69 will share a common funding source that imposes particular
70 requirements, or (C) would be significantly facilitated if completed by
71 the same design professional or construction administrator.

72 (e) Costs for projects authorized under subsection (b) of this section
73 shall be charged to the bond fund account for the project for which
74 such costs are incurred. The Department of Administrative Services
75 shall develop procedures for expediting the administration of projects
76 for alterations, repairs or additions authorized under said subsection
77 (b).

78 (f) Any state agency proposing to remodel, alter or enlarge any real
79 asset shall submit a statement to the commissioner demonstrating the
80 capability of the real asset to facilitate recycling programs.

81 Sec. 2. Subsections (a) and (b) of section 4b-52 of the general statutes
82 are repealed and the following is substituted in lieu thereof (*Effective*
83 *from passage*):

84 (a) (1) No repairs, alterations or additions involving expense to the
85 state of five hundred thousand dollars or less or, in the case of repairs,
86 alterations or additions to a building rented or occupied by the Judicial
87 Branch, one million two hundred fifty thousand dollars or less or, in
88 the case of repairs, alterations or additions to a building rented or
89 occupied by a constituent unit of the state system of higher education,
90 two million dollars or less, shall be made to any state building or
91 premises occupied by any state officer, department, institution, board,
92 commission or council of the state government and no contract for any
93 construction, repairs, alteration or addition shall be entered into
94 without the prior approval of the Commissioner of Administrative
95 Services, except repairs, alterations or additions to a building under
96 the supervision and control of the Joint Committee on Legislative
97 Management or the Military Department and repairs, alterations or
98 additions to a building under the supervision of The University of
99 Connecticut. Repairs, alterations or additions which are made
100 pursuant to such approval of the Commissioner of Administrative
101 Services shall conform to all guidelines and procedures established by
102 the Department of Administrative Services for agency-administered
103 projects. (2) Notwithstanding the provisions of subdivision (1) of this
104 subsection, repairs, alterations or additions involving expense to the
105 state of five hundred thousand dollars or less may be made to any
106 state building or premises under the supervision of the Office of the
107 Chief Court Administrator or a constituent unit of the state system of
108 higher education, under the terms of section 4b-11, and any contract
109 for any such construction, repairs or alteration may be entered into by
110 the Office of the Chief Court Administrator or a constituent unit of the
111 state system of higher education without the approval of the
112 Commissioner of Administrative Services.

113 (b) Except as provided in this section, no repairs, alterations or
114 additions involving an expense to the state of more than five hundred

115 thousand dollars or, in the case of any repair, alteration or addition
116 administered by the Department of Administrative Services, more than
117 one million five hundred thousand dollars, shall be made to any state
118 building or premises occupied by any state officer, department,
119 institution, board, commission or council of the state government, nor
120 shall any contract for any construction, repairs, alteration or addition
121 be entered into, until the Commissioner of Administrative Services or,
122 in the case of the construction of or repairs, alterations or additions to a
123 building under the supervision and control of the Joint Committee on
124 Legislative Management of the General Assembly, said joint
125 committee or, in the case of the construction [.] of or repairs, alterations
126 or additions to a building involving expenditures in excess of five
127 hundred thousand dollars but not more than one million two hundred
128 fifty thousand dollars under the supervision and control of the Judicial
129 Branch, said Judicial Branch or, in the case of the construction [.] of or
130 repairs, alterations or additions to a building involving expenditures in
131 excess of five hundred thousand dollars but not more than two million
132 dollars under the supervision and control of one of the constituent
133 units of higher education, [the] such constituent unit, or, in the case of
134 the construction of or repairs, alterations or additions to a building
135 involving expenditures in excess of five hundred thousand dollars but
136 not more than two million dollars under the supervision and control of
137 the Military Department, said department, has invited bids thereon
138 and awarded a contract thereon, in accordance with the provisions of
139 sections 4b-91 to 4b-96, inclusive, as amended by this act. The
140 Commissioner of Administrative Services, with the approval of the
141 authority having the supervision of state employees or the custody of
142 inmates of state institutions, without the necessity of bids, may employ
143 such employees or inmates and purchase or furnish the necessary
144 materials for the construction, erection, alteration, repair or
145 enlargement of any such state building or premises occupied by any
146 state officer, department, institution, board, commission or council of
147 the state government.

148 Sec. 3. Subdivision (1) of subsection (a) of section 4b-91 of the
149 general statutes is repealed and the following is substituted in lieu

150 thereof (*Effective from passage*):

151 (a) (1) As used in this section, "prequalification classification" means
 152 the prequalification classifications established by the Commissioner of
 153 Administrative Services pursuant to section 4a-100, "public agency"
 154 has the same meaning as provided in section 1-200 and "awarding
 155 authority" means the Department of Administrative Services, except
 156 "awarding authority" means (A) the Joint Committee on Legislative
 157 Management, in the case of a contract for the construction of or work
 158 on a building or other public work under the supervision and control
 159 of the joint committee, [or (B) the] (B) a constituent unit of the state
 160 system of higher education, in the case of a contract for the
 161 construction of or work on a building or other public work under the
 162 supervision and control of such constituent unit, or (C) the Military
 163 Department, in the case of a contract for the construction of or work on
 164 a building or other public work under the supervision and control of
 165 said department.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	4b-51
Sec. 2	<i>from passage</i>	4b-52(a) and (b)
Sec. 3	<i>from passage</i>	4b-91(a)(1)

Statement of Legislative Commissioners:

In Section 1(b), reference to the Military Department was removed from after "Judicial Branch" and "subsection (a) of this section" and inserted after "system of higher education" for accuracy and clarity.

VA *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill increases the Military Department's authority over building projects by increasing, from \$500,000 to \$2 million, the amount the Military Department can spend on building construction projects. This is not anticipated to result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5359****AN ACT CONCERNING STATE MILITARY CONSTRUCTION PROJECTS.****SUMMARY:**

By law, the Department of Administrative Services (DAS) commissioner has authority over most state building construction projects (e.g., remodeling, alteration, repair, or enlargement) that cost over \$500,000, with state agencies having authority if under such threshold. This bill increases the Military Department's authority over building projects by increasing, from \$500,000 to \$2 million, the amount the Military Department can spend to alter, repair, or make additions to public buildings.

It also eliminates a requirement that the Military Department receive DAS approval before beginning capital improvements. The bill requires the department to comply with the state's competitive bidding requirements if a project will cost more than \$500,000.

By law, DAS may compile a list and enter into "on-call" contracts (see BACKGROUND) with architects, professional engineers, and construction administrators "for a particular program involving various projects" for constructing or renovating buildings under the control of either the Military Department or Department of Energy and Environmental Protection (DEEP). The bill extends this authority to the Military Department. (Presumably the Military Department will have the authority to enter contracts for its own buildings and not DEEP's. The bill does not specify what requirements the department must follow when entering into these contracts.)

By law and under the bill, "program" means multiple projects involving the planning, design, construction, repair, improvement, or

expansion of specified buildings, facilities, or site improvements. The work involved (1) must be of a repetitive nature, (2) must share a common funding source that imposes particular requirements, or (3) would be significantly facilitated and completed using the same design professional or construction manager.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

On-Call Contract

An on-call contract defines a broad range of consultant services and is generally valid for two to three years. An on-call contract is not connected to a specific project; rather, DAS subsequently issues task letters to firms with on-call contracts that identify a specific scope of services to be performed and the fee for those services.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 15 Nay 0 (03/08/2016)